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6 TYLER STUMBO

7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 UNITED STATES OF AMERICA,

12 PLAINTIFF,

13 vs.

14
15
16 TYLER STUMBO,

17 DEFENDANT.

Case No. 07-CR-00257

**DEFENDANT'S STIPULATION
AND ORDER FOR
EARLY TERMINATION OF
PROBATION**

18 TO: THE CLERK OF THE EASTERN DISTRICT COURT, LAUREL MONTOYA, ASSISTANT
19 UNITED STATES ATTORNEY, AND LONI STOCKTON, UNITED STATES PROBATION
20 OFFICER:

21 **INTRODUCTION**

22 On January 25, 2012 Mr. Stumbo was sentenced to 36 months of probation with 120 days
23 to be served in home detention with electronic monitoring after a conviction for violation of 21
24 USC 846, 841 (a) (1) and (B) (1) (D), Conspiracy to Distribute and Possess with the Intent to
25 Distribute Anabolic Steroids. Mr. Stumbo has successfully completed 31 months of his
26 probationary period, which would normally expire on January 25, 2013. Based on his successful
27 performance on probation, Mr. Stumbo hereby moves the Court for entry of an order terminating
28 his probation.

1 **ARGUMENT**

2 Under Title 18 United States Code section 35654 (c), the Court has the authority to grant
3 early termination of a previously imposed term of probation. Section 3564 (c) provides:

4 The court, after considering the factors set forth in section 3553(a), to the extent that
5 they are applicable, may, pursuant to the provisions of the Federal Rules of Criminal
6 Procedure relating to the modification of probation, terminate a term of probation
7 previously ordered and discharge the defendant at any time in the case of a
8 misdemeanor or an infraction or at any time after the expiration of one year of
9 probation in the case of a felony, if it is satisfied that such action is warranted by the
10 conduct of the defendant and the interest of justice.
11 18 U.S.C. 3564(c).

12 Mr. Stumbo has already served over two years of his sentence of probation. Considering
13 the relevant factors from 18 U.S.C. section 3553(a), and taking into account Mr. Stumbo's
14 conduct since sentencing, the interest of justice are served by granting him early termination.

15 ***The Nature and Circumstances of the Offense and Characteristics of Mr. Stumbo***
16 ***Support Early Termination.***

17 According to the probation officer's sentencing recommendation in the PSI, the offense
18 in this case occurred on or about August 2006 through September 2007. Mr. Stumbo was
19 arrested for the distribution and possession with the intent to distribute anabolic steroids. Mr.
20 Stumbo was interviewed at the United States Probation Office. At that time, he was very
21 cooperative, admitted his involvement and accepted full responsibility for his conduct. Mr.
22 Stumbo also provided information to the Government in a timely manner.

23 Mr. Stumbo graduated from Stockdale High School in Bakersfield, California in 2003
24 and has been working for his father at Stumbo HVAC, an air-conditioning company. Most
25 recently, he has worked on obtaining his contractors license; however, he can not apply for the
26 license until a period of twelve months has passed from being released from probation.

27 Mr. Stumbo's progress while on probation has been that of a model defendant. He has
28 completed payment of the assessment fine of \$100.00 and the fine of \$3,000.00. He has also
29 completed all random urinalysis without any positive results.

30 Mr. Stumbo's Probation Officer, Loni Stockton, is not opposed to the early termination
31 of his probation. Mr. Stumbo has satisfied all of the conditions of his supervision and continue
32 to make regular contact and completed reports as directed. Assistant United States Attorney,
33 Laurel Montoya, is agreeable to the termination of probation for Mr. Stumbo.

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CONCLUSION

For the foregoing reasons, Mr. Stumbo respectfully requests that the Court enter and order terminating his probation forthwith.

Dated: October 18, 2012

/s/David A. Torres
DAVID A. TORRES
Attorney for Defendant
Tyler Stumbo

Date: October 18, 2012

/s/ Laurel Montoya
LAUREL MONTOYA
Assistant United States Attorney

ORDER

Pursuant to the stipulation of counsel, Mr. Stumbo's probation is terminated forthwith.

IT IS SO ORDERED.

Dated: October 18, 2012

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE